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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2614

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05/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/028,275	Applicant(s) SHERWOOD, AMY L.	
	Examiner Joseph T. Phan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-22, 35-44, 47-56 and 59-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11, 13-22, 35-44, 47-56 and 59-62 is/are rejected.
- 7) ☒ Claim(s) 63-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 63-66 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1, 13, 35, and 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Loucks, Patent #6,760,412 in view of Langsenkamp, Patent #6,556,664.**

Regarding claim 1, Loucks teaches a method of arranging for an electronically-recorded message to be delivered to a communication medium of a second user at a selected time(abstract), said method comprising the steps of:

recording the message by a first user on a stand-alone communication device in direct connection to a telephone line as customer premises equipment (Fig. 2; col.4 lines 49-61; col.5 lines 42-60; col.8 lines 6-20);
inputting an access code on the stand-alone communication device for accessing the communication medium of the second user, (col.11 lines 38-67; fig. 7) and
indicating a delivery time for delivery of the message from the stand-alone communication device to the communication medium of the second user (figs. 3A, 3B, col.7 lines 51-64).

Loucks does not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time.

In the same field of endeavor, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is selectable for retraction by canceling delivery of the message before the delivery time, (col. 14, line 64-col. 15, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the message so that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

Regarding claims 13 and 35, Loucks teaches a method and system for sending an electronically-recorded message to a communication medium of a second user at a selected time, (abstract), said method comprises the steps and means for:
recording the message by a first user on a stand-alone communication device in direct

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connection to a telephone line as customer premises equipment, (fig. 2; col.4 lines 49-61; col.5 lines 42-60; col.8 lines 6-20);

inputting an access code on the stand-alone communication device for accessing the communication medium of the second user, (col.11 lines 38-67; fig. 7);

indicating a delivery time for delivery of the message to a communication medium of the recipient, (col.7 lines 51-69; figs. 3A, 3B); and

sending the message from the stand-alone communication device to the communication medium of the recipient when the time reaches the delivery time, (col. 7, lines 51-69).

Loucks does not specifically teach wherein the message is selectable for retraction by canceling delivery of the message before the delivery time.

In the same field of endeavor, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is selectable for retraction by canceling delivery of the message before the delivery time, (col.14 line 64-col.15 line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the message so that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

Regarding claim 47, Loucks teaches a system for sending an electronically-recorded message to a communication medium of a second user at a selected time; (abstract), said system comprising:

means for recording by a first user a message on a stand-alone communication device

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in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

means for inputting an access code on the stand-alone communication device for accessing a communication medium of a second user, (col. 11, lines 38-67 fig. 7);

means for indicating a delivery time for delivery of the message to a communication medium of the second user, (figs. 3A, 3B; col. 7, lines 51-64);

means for keeping track of a clock time, (figs. 3A, 3B; col. 7, lines 51-64); and means for sending the message from the stand-alone communication device to the communication medium of the second user when the time reaches the delivery time, (col. 7, lines 51-64).

Loucks does not specifically teach wherein the message is selectable for retraction by canceling delivery of the message before the delivery time.

In the same field of endeavor, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is selectable for retraction by canceling delivery of the message before the delivery time, (col. 14, line 64-col. 15, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the messages that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

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5. Claims 1-5,8-11,13-22,35-44,46-56 and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loucks US Patent 6,760,412 in view of Chandra et al. US Patent Pub. 2002/0138582 and further in view of Langsenkamp US Patent 6,556,664.

Regarding claim 1, Loucks teaches a method of arranging for an electronically-recorded message to be delivered to a communication medium of a recipient at a selected time, (abstract), said method comprising the steps of." recording the message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig.2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20); inputting an access code on the stand-alone communication device for accessing the communication medium of the recipient, (col. 11, lines 38-67; fig. 7) and indicating a delivery time for delivery of the message from the stand-alone communication device to the communication medium of the recipient, (figs. 3A, 3B, col. 7, lines 51-64).

Loucks does not specifically teach that the recorded message which was recorded by a first user is to be delivered to a second user since the first user and recipient in Loucks appear to be the same person. However, the Examiner notes that since Loucks teaches that the user of Loucks can input any telephone number then it would have been obvious to one of ordinary skill in the art that the user of Loucks can input a number belonging to a second user.

Nonetheless, Chandra teaches that it was well known in the art to have a

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reminder system in which a reminder is recorded by a first person and delivered to a second person, (paragraphs 0540,0541,0544,0252).

Therefore, it Would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Loucks in view of Chandra do not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time.

In the same field of endeavor,, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is selectable for retraction by canceling delivery of the message before the delivery time, (col. 14, line 64-coi. 15, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the message so that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

Regarding claims 2,15, 37 and 49 Loucks, as applied to claims 1,14,36 and 48 teaches inputting a plurality of access codes for accessing a plurality of communication media, (fig. 7).

Regarding claims 3,16, 38 and 50, Loucks, as applied to claims 2,15,37 and 49 teaches indicating a plurality of delivery times, each delivery time corresponding to

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delivery of the recorded message to each of a plurality of communication media, (figs. 3A, 3B; col. 7, lines 51-64).

Regarding claims 4, 17, 39 and 51, Loucks in view of Chandra, as applied to claims 3, 16 and 50, teaches indicating whether the message should only be delivered if the second user directly receives the message, (fig. 4, col. 9, lines 43-54).

Regarding claims 5, 18, 40 and 52, Loucks in view of Chandra, as applied to claims 4, 17, 39 and 51, teaches indicating a re-send delay period used to re-send the message to a second user after a re-send delay period if the recipient does not directly receive the message, (col. 9, lines 43-54).

Regarding claims 8, 19, 41 and 53, Loucks, as applied to claims 1, 13, 35 and 47 teaches wherein the communication medium is a telephone, (fig. 7; col. 11, lines 38-67). Regarding claims 9, 20, 42 and 54, Loucks, as applied to claims 8, 19, 41 and 53, teaches wherein the access code is a telephone number for the telephone, (fig. 7; col. 11, lines 38-67)

Regarding claims 10, 21, 43 and 55, Loucks, as applied to Claims 1, 13, 35 and 47 teaches wherein the communication medium is a voicemail mailbox, (fig. 7; col. 11, lines 38-67).

Regarding claims 11, 22, 44 and 56, Loucks, as applied to claims 10, 21, 43 and 45 teaches wherein the access code is a voicemail mailbox number, (fig. 7; col. 11, lines 38-67).

Regarding claims 13 and 35, Loucks teaches a method and system for sending an electronically-recorded message to a communication medium of a recipient

at a selected time, (abstract), said method comprises the steps and means for:
recording the message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);
inputting an access code on the stand-alone communication device for accessing the communication medium of the recipient, (col. 11, lines 38-67; fig. 7);
indicating a delivery time for delivery of the message to a communication medium of the recipient, (col. 7, lines 51-69; figs. 3A, 3B); and
sending the message from the stand-alone communication device to the communication medium of the recipient when the time reaches the delivery time, (col. 7, lines 51-69).

Loucks does not specifically teach that the recorded message which was recorded by a first user is to be delivered to a second user since the first user and recipient in Loucks appear to be the same person. However, the Examiner notes that since Loucks teaches that the user of Loucks can input any telephone number then it would have been obvious to one of ordinary skill in the art that the user of Loucks can input a number belonging to a second user.

Nonetheless, Chandra teaches that it was well known in the art to have a reminder system in which a reminder is recorded by a first person and delivered to a second person, (paragraphs 0540,0541,0544,0252).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send

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their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Loucks in view of Chandra do not specifically teach wherein the message is selectable for retraction by canceling delivery of the message before the delivery time. In the same field of endeavor, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is selectable for retraction by canceling delivery of the message before the delivery time, (col. 14, line 64-col. 15, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the message so that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

Regarding claims 14,36 and 48, Loucks, as applied to claims 14,35 and 47, teaches wherein the communication medium comprises a plurality of communication media, each communication medium having its own unique access code, (fig. 7).

Regarding claim 47, Loucks teaches a system for sending an electronically-recorded message to a communication medium of a recipient at a selected time, (abstract), said system comprising:

means for recording a message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

means for inputting an access code on the stand alone communication device for

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accessing a communication medium of a recipient, (col. 11, lines 38-67 fig. 7); means for indicating a delivery time for delivery of the message to a communication medium of the recipient, (figs. 3A, 3B; col. 7, lines 51-64); means for keeping track of a clock time, (figs. 3A, 3B; col. 7, lines 51-64); and means for sending the message from the stand-alone communication device to the communication medium of the recipient when the time reaches the delivery time, (col. 7, lines 51-64).

Loucks does not specifically teach that the recorded message which was recorded by a first user is to be delivered to a second user since the first user and recipient in Loucks appear to be the same person. However, the Examiner notes that since Loucks teaches that the user of Loucks can input any telephone number then it would have been obvious to one of ordinary skill in the art that the user of Loucks can input a number belonging to a second user.

Nonetheless, Chandra teaches that it was well known in the art to have a reminder system in which a reminder is recorded by a first person and delivered to a second person, (paragraphs 0540,0541,0544,0252).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Loucks in view of Chandra do not specifically teach wherein the message is

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selectable for retraction by canceling delivery of the message before the delivery time.

In the same field of endeavor, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is selectable for retraction by canceling delivery of the message before the delivery time, (col.14 line 64-col.15 line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the message so that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

Regarding claims 59-62, Loucks in view of Chandra teaches wherein the first user is distinct from the second user, (paragraphs 540,541,544).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loucks in view of Chandra and further in view of Langsenkamp and further in view of Hogan et al. US Patent 5,646,982.

Regarding claim 6, Loucks in view of Chandra and Langsenkamp, as applied to claim 5, teaches indicating a maximum re-send message number used to re-send the message to a second user a maximum number of times when the recipient does not

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directly receive the message, (col. 9, lines 51-54; fig. 7).

Loucks, Chandar and Langsenkamp do not teach that the maximum re-send message number is "selected by the first user".

In the same field of endeavor of message delivery, Hogan teaches that it was well known in the art that users can set a maximum re-send number for message delivery attempts, (col. 2, lines 25-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing a user to set the threshold number as taught by Hogan so that the user can be provided with full control for delivering their message and setting all of the parameters of the message.

Regarding claims 7, Loucks in view of Chandra, as applied to claim 6, teaches indicating a re-send message number used to re-send the message to a second user a number of times, (fig. 7; col. 11, lines 38-67).

Response to Arguments

7. Applicant's arguments filed 02/27/07 have been fully considered but they are not persuasive.

Applicant argues that the prior arts of record in combination(Loucks,Chandra, and Langsenkamp) does not disclose "*wherein the message is selectable for retraction by canceling delivery of the message before the delivery time*". The examiner cites col.15 lines 2-7 and lines 21-23 in Langsenkamp as disclosing this limitation. One of ordinary skill in the art would read a particular calling session(emphasis on singular session) as a message.

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Langsenkamp discloses "upon selection" and the operator is able to "depress the F1 key" which teaches the amended "selectable for retraction" limitation. The combination of Lansenkamp, Loucks, Chandra, discloses the rest of the limitations.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

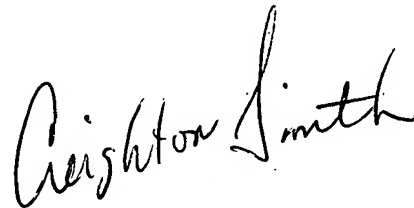
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP

May 10, 2007



**CREIGHTON SMITH
PRIMARY EXAMINER**